

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44778 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- RAJNAGAR District- Madhubani

1. SAHABIR PASWAN Son of Late Amrit Paswan Resident of Village- Ranti Paswan Tol, P.S.- Raj Nagar, District- Madhubani.
2. Ram Prasad Paswan @ Pappu Paswan Son of Sahabir Paswan Resident of Village- Ranti Paswan Tol, P.S.- Raj Nagar, District- Madhubani.
3. Arjun Paswan @ Pinku Paswan Son of Sahabir Paswan Resident of Village- Ranti Paswan Tol, P.S.- Raj Nagar, District- Madhubani.
4. Chhotu Paswan Son of Sahabir Paswan Resident of Village- Ranti Paswan Tol, P.S.- Raj Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 341, 364/34 IPC registered in connection with Rajnagar P.S. Case No. 102/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute relating to construction of house under the Indira Aawas Yojna and the parties are gotia. The FIR has been instituted as a counter blast of Complaint Case No. 260/2019 filed by the petitioner no. 1 against the informant and his family members.

4. Learned APP invites reference to the deposition of the victim recorded under Section 164 Cr.P.C., wherein he has specifically named the petitioner no. 2 and 3 as having forcibly carried him away and made him to sign an affidavit undertaking



that he would vacate the house constructed under Indira Aawas Yojna.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 2 and 3. The anticipatory bail petition as against them stand dismissed.

6. Considering that the victim has not named the petitioner nos. 1 and 4 in his deposition recorded under Section 164 Cr.P.C., in the event of the arrest or surrender by petitioner nos. 1 and 4 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 4 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM Ist, Madhubani, in connection with Rajnagar P.S. Case No. 102/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1 and 4 .

ii. That the petitioner nos. 1 and 4 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 4 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 1 and 4 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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